

**U.S. District Court
District of South Carolina (Florence)
CIVIL DOCKET FOR CASE #: 4:18-cv-02409-MGL**

Smith et al v. Captain George's of South Carolina, LP et al

Assigned to: Honorable Mary Geiger Lewis

related Cases: 4:17-cv-01308-RBH

4:19-cv-00800-MGL

Cause: 29:201 Fair Labor Standards Act

Date Filed: 08/30/2018

Date Terminated: 03/29/2019

Jury Demand: Plaintiff

Nature of Suit: 710 Labor: Fair Standards

Jurisdiction: Federal Question

Plaintiff

Desera Smith

On behalf of themselves and those similarly situated

represented by **Patrick James McLaughlin**

Wukela Law Firm

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Kayla Gudinas

On behalf of themselves and those similarly situated

represented by **Patrick James McLaughlin**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

Captain George's of South Carolina, LP

represented by **Leah B Moody**

Leah B Moody Law Office

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Rock Hill, SC 29731

803-327-4192

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Captain George's of South Carolina, Inc.

represented by **Leah B Moody**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Captain KDH, LLC

represented by

Leah B Moody
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lideslambous, Inc.

represented by **Leah B Moody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Pitsilambous, Inc.

represented by **Leah B Moody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Pitsilides Management, LLC

represented by **Leah B Moody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

George Pitsilides

represented by **Leah B Moody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Sherry Pitsilides

represented by **Leah B Moody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Doe Corporations 1–4

represented by **Leah B Moody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 08/30/2018 | <u>1</u> | COMPLAINT against Captain Georges of South Carolina Inc, Captain Georges of South Carolina LP, Captain KDH LLC, Doe Corporations 1–4, Lideslambous Inc, Pitsilambous Inc, George Pitsilides, Sherry Pitsilides, Pitsilides Management LLC (filing fee \$400 receipt number 0420–7974665), filed by Kayla Gudinas, Desera Smith. (Attachments: # <u>1</u> Supporting Documents – Consent Forms of Plaintiffs) (lsut,) (Main Document 1 replaced on 9/7/2018 as requested by filing attorney) (dsto) (Entered: 08/31/2018) |

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| 08/30/2018 | <u>3</u> | Local Rule 26.01 Answers to Interrogatories by Kayla Gudinas, Desera Smith. (lsut,) (Entered: 08/31/2018) |
| 08/31/2018 | <u>4</u> | Summons Issued as to Captain Georges of South Carolina Inc, Captain Georges of South Carolina LP, Captain KDH LLC, Lideslambous Inc, Pitsilambous Inc, George Pitsilides, Sherry Pitsilides. Service due by 11/29/2018. (lsut,) (Entered: 08/31/2018) |
| 09/06/2018 | <u>6</u> | Summons Issued as to Pitsilides Management LLC. Service due by 12/5/2018. (lsut,) (Entered: 09/06/2018) |
| 09/06/2018 | <u>7</u> | NOTICE OF JOINDER re <u>1</u> Complaint, <i>Notice of Joinder of Teal Adamczyk to this Action</i> by Patrick James McLaughlin on behalf of Kayla Gudinas, Desera Smith (Attachments: # <u>1</u> Exhibit Ex. A. Consent to Join Action for Teal Adamczyk with Certificate of Service)(McLaughlin, Patrick) (Entered: 09/06/2018) |
| 09/26/2018 | <u>8</u> | SUMMONS Returned Executed by Kayla Gudinas, Desera Smith. Captain Georges of South Carolina Inc, Captain Georges of South Carolina LP, Captain KDH LLC served, Lideslambous Inc, Pitsilambous Inc, Pitsilides Management LLC served on 9/20/2018, answer due 10/11/2018. (Attachments: # <u>1</u> Certified Mail – Green Card) (McLaughlin, Patrick) Modified on 09/28/2018 to correct event type. (lsut,) (Entered: 09/28/2018) |
| 09/26/2018 | <u>9</u> | SUMMONS Returned Executed by Kayla Gudinas, Desera Smith. George Pitsilides served on 9/24/2018, answer due 10/15/2018. (Attachments: # <u>1</u> Certified Mail – Green Card) (McLaughlin, Patrick) Modified on 9/28/2018 to correct event type. (lsut,) (Entered: 09/28/2018) |
| 09/26/2018 | <u>10</u> | SUMMONS Returned Executed by Kayla Gudinas, Desera Smith. Sherry Pitsilides served on 9/24/2018, answer due 10/15/2018. (Attachments: # <u>1</u> Certified Mail – Green Card) (McLaughlin, Patrick) Modified on 9/28/2018 to correct event type. (lsut,) (Entered: 09/28/2018) |
| 10/11/2018 | <u>11</u> | ANSWER to <u>1</u> Complaint, by Captain Georges of South Carolina Inc, Captain Georges of South Carolina LP, Captain KDH LLC, Doe Corporations 1–4, Lideslambous Inc, Pitsilambous Inc, Pitsilides Management LLC.(Moody, Leah) Modified to remove filers not listed on document on 3/18/2019 (cbru,). (Entered: 10/11/2018) |
| 10/11/2018 | <u>12</u> | Local Rule 26.01 Answers to Interrogatories by Captain George's of South Carolina, LP .(Moody, Leah) Modified to correct filer and to edit text on 3/18/2019 (cbru,). (Entered: 10/11/2018) |
| 10/11/2018 | <u>13</u> | Local Rule 26.01 Answers to Interrogatories by Captain Georges of South Carolina Inc.(Moody, Leah) (Entered: 10/11/2018) |
| 10/11/2018 | <u>14</u> | Local Rule 26.01 Answers to Interrogatories by Captain KDH LLC.(Moody, Leah) (Entered: 10/11/2018) |
| 10/11/2018 | <u>15</u> | Local Rule 26.01 Answers to Interrogatories by Doe Corporations 1–4.(Moody, Leah) (Entered: 10/11/2018) |
| 10/11/2018 | <u>16</u> | Local Rule 26.01 Answers to Interrogatories by Lideslambous Inc.(Moody, Leah) (Entered: 10/11/2018) |
| 10/11/2018 | <u>17</u> | Local Rule 26.01 Answers to Interrogatories by Pitsilambous Inc.(Moody, Leah) (Entered: 10/11/2018) |
| 10/11/2018 | <u>18</u> | Local Rule 26.01 Answers to Interrogatories by Pitsilides Management LLC.(Moody, Leah) (Entered: 10/11/2018) |
| 10/15/2018 | <u>19</u> | NOTICE OF JOINDER <i>Notice of Consent to Join Action by Justin Melton and Peyton Newsome</i> by Patrick James McLaughlin on behalf of Kayla Gudinas, Desera Smith (Attachments: # <u>1</u> Exhibit Notice of Consent to Join by Justin Melton and Peyton Newsome)(McLaughlin, Patrick) (Entered: 10/15/2018) |

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| | | 10/15/2018) |
| 10/15/2018 | <u>20</u> | ANSWER to <u>1</u> Complaint, by George Pitsilides.(Moody, Leah) (Entered: 10/15/2018) |
| 10/15/2018 | <u>21</u> | MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Sherry Pitsilides. Response to Motion due by 10/29/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support of Sharon B. (Sherry) Pitsilides' Motion Dismiss, # <u>2</u> Exhibit First Declaration of Michael Jahn, # <u>3</u> Exhibit Second Declaration of Michael Jahn, # <u>4</u> Exhibit First Declaration of Sharon B. (Sherry) Pitsilides, # <u>5</u> Exhibit Second Declaration of Sharon B. (Sherry) Pitsilides)No proposed order.(Moody, Leah) (Entered: 10/15/2018) |
| 10/15/2018 | <u>22</u> | Local Rule 26.01 Answers to Interrogatories by George Pitsilides.(Moody, Leah) (Entered: 10/15/2018) |
| 10/15/2018 | <u>23</u> | Local Rule 26.01 Answers to Interrogatories by Sherry Pitsilides.(Moody, Leah) (Entered: 10/15/2018) |
| 10/17/2018 | <u>24</u> | CONFERENCE AND SCHEDULING ORDER. Rule 26(f) Conference Deadline 11/6/2018, 26(a) Initial Disclosures due by 11/20/2018, Rule 26 Report due by 11/20/2018, Motions to Amend Pleadings due by 1/15/2019, Plaintiffs ID of Expert Witness due by 2/14/2019, Defendants ID of Expert Witnesses Due by 3/18/2019, Records Custodian Affidavit due by 3/18/2019, Discovery due by 5/15/2019, Motions due by 5/30/2019, Rule 26(a)(3) Disclosures due by 8/13/2019, ADR Statement due by 6/29/2019, Mediation Due by 7/29/2019.Motions in limine must be filed at least three weeks prior to date set for jury selection. Responses to motions in limine shall be filed within seven (7) days after the motion is filed. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for jury selection. This case is subject to being called for jury selection and/or trial on or after 10/07/2019. Signed by the Honorable R Bryan Harwell on 10/17/2018. (lsut,) (Entered: 10/17/2018) |
| 10/29/2018 | <u>25</u> | RESPONSE in Opposition re <u>21</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Response filed by Kayla Gudinas, Desera Smith.Reply to Response to Motion due by 11/5/2018 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Exhibit Ds MTD Pitsilides in EDVa, # <u>2</u> Exhibit Order Denying MTD S. Pitsilides EDVa)(McLaughlin, Patrick) (Entered: 10/29/2018) |
| 11/15/2018 | <u>26</u> | NOTICE OF JOINDER by <i>Matthew Delano</i> by Patrick James McLaughlin on behalf of Desera Smith (Attachments: # <u>1</u> Exhibit Ex A Consent to Join – Matthew Delano)(McLaughlin, Patrick) (Entered: 11/15/2018) |
| 11/20/2018 | <u>27</u> | Joint Rule 26(f) Report by Kayla Gudinas, Desera Smith.(McLaughlin, Patrick) (Main Document 27 replaced on 11/27/2018 to correct incorrect document) (lsut,). (Entered: 11/20/2018) |
| 11/20/2018 | <u>28</u> | Local Rule 26.03 Answers to Interrogatories by Kayla Gudinas, Desera Smith.(McLaughlin, Patrick) (Main Document 28 replaced on 11/27/2018 to replace incorrect document with correct document as provided by filing user) (lsut,). (Entered: 11/20/2018) |
| 11/27/2018 | <u>29</u> | Local Rule 26.03 Answers to Interrogatories by Captain Georges of South Carolina Inc, Captain Georges of South Carolina LP, Captain KDH LLC, Doe Corporations 1–4, Lideslambous Inc, Pitsilambous Inc, George Pitsilides, Sherry Pitsilides, Pitsilides Management LLC.(Moody, Leah) (Main Document 29 replaced on 11/27/2018 to replace incorrect document with correct document as provided by filing user) (lsut,). (Entered: 11/27/2018) |
| 12/03/2018 | <u>30</u> | NOTICE OF JOINDER <i>b y Kyle Warren</i> by Patrick James McLaughlin on behalf of Kayla Gudinas, Desera Smith (Attachments: # <u>1</u> Exhibit Notice of Consent to Join by Kyle Warren)(McLaughlin, Patrick) (Entered: 12/03/2018) |

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| 12/12/2018 | <u>31</u> | MOTION to Change Venue by Captain Georges of South Carolina Inc, Captain Georges of South Carolina LP, Captain KDH LLC, Doe Corporations 1–4, Lideslambous Inc, Pitsilambous Inc, George Pitsilides, Sherry Pitsilides, Pitsilides Management LLC. Response to Motion due by 12/27/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support Defendants' Memorandum in Support, # <u>2</u> Exhibit First Declaration of Michael Jan, # <u>3</u> Exhibit Proposed Transfer Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Moody, Leah) (Entered: 12/12/2018) |
| 12/18/2018 | <u>32</u> | NOTICE OF JOINDER <i>Notice of Consent to Join Acton</i> by Patrick James McLaughlin on behalf of Kayla Gudinas, Desera Smith (Attachments: # <u>1</u> Exhibit Gail Kinter Notice of Consent to Join Action)(McLaughlin, Patrick) (Entered: 12/18/2018) |
| 03/14/2019 | <u>33</u> | Case Reassigned to Judge Honorable Mary Geiger Lewis. Judge Chief Judge R Bryan Harwell no longer assigned to the case. (glev,) (Entered: 03/14/2019) |
| 03/18/2019 | <u>34</u> | AMENDED CONFERENCE AND SCHEDULING ORDER: Discovery due by 5/15/2019, Motion in Limine due by 8/26/2019, Motions due by 5/30/2019, Rule 26(a)(3) Disclosures due by 8/13/2019, Jury Selection Deadline 9/16/2019, Mediation Due by 7/29/2019, Signed by Honorable Mary Geiger Lewis on 3/18/2019. (cbu,) (Entered: 03/18/2019) |
| 03/18/2019 | <u>35</u> | MEDIATION ORDER. Signed by Honorable Mary Geiger Lewis on 3/18/2019. (cbu,) (Entered: 03/18/2019) |
| 03/18/2019 | <u>36</u> | TEXT ORDER: This case having been recently reassigned to the Honorable Mary G. Lewis, the parties' attention is hereby directed to the new controlling scheduling and mediation orders. Signed by Honorable Mary Geiger Lewis on 3/18/2019. (cbu,) (Entered: 03/18/2019) |
| 03/29/2019 | <u>37</u> | TEXT ORDER: Pending before the Court is Defendants' motion to change venue. ECF No. <u>31</u> . The Court hereby GRANTS Defendants' motion to change venue as unopposed. The Court DIRECTS the Clerk to transfer this case to the Eastern District of Virginia, Norfolk Division. IT IS SO ORDERED. Signed by Honorable Mary Geiger Lewis on 3/29/2019.(cbu,) (Entered: 03/29/2019) |